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and CHIEF STEVE MacKINNON

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

PHILLIP GARCIA GUEVARA

No. CV11-04089 RGK (FFMx)

Plaintiff.

v.

CITY OF SANTA PAULA, CHIEF
STEVE MacKINNON, and DOES 1
through 10, inclusive.

PROTECTIVE ORDER [PROPOSED]

NOTE CHANGES MADE BY COURT

Defendants.

Pursuant to the stipulation of the parties, IT IS HEREBY ORDERED that:

19 1. The documents subject to this agreement are documents responsive to
20 plaintiff's Request for Production (Set One). Defendant City of Santa Paula has
21 responded with objections to Item Nos. 1, 2,5, 6, 8-15, 25, 26, 28, 52, 54, and 55 and
22 served a privilege log (attached hereto as "Attachment 1") for documents and things
23 for which defendant asserts various privileges.

24 2. The documents and items delineated in the privilege log, per a
25 stipulation of the parties, are the proper subject of a privilege. The Court orders the
26 following information to be confidential:

(a) Santa Paula Police Department use of force reports (Bates Nos. 02252-02277);

1 (b) CD with recorded statements of officers Walter Harper and Scott
2 Varner (01087);
3 (c) Reports regarding statements of officers Walter Harper and Scott
4 Varner (02004-02022);
5 (d) Walter Harper training logs (02058-02059);
6 (e) Scott Varner training logs (02060);
7 (f) Scott Varner personnel file (02061-02115);
8 (g) Walter Harper personnel file (02116-02168); and
9 (h) Internal affairs investigations regarding Walter Harper and Scott
10 Varner (02297-02451).

11 3. Defendants may redact highly personal and irrelevant confidential
12 information regarding police officers contained in the personnel files and documents,
13 including, but not limited to, home addresses, phone numbers, names of family
14 members and references, personal injury and workers' compensation information,
15 salary information, tax return information, non-police-related occupational and
16 educational information, and similar information. In addition, defendants may redact
17 the name, address, and telephone number of non-party witnesses contained in the
18 confidential documents concerning incidents apart from the incident giving rise to
19 this litigation.

20 4. The Court may modify this protective order at any time for good cause
21 shown and upon notice to the affected parties. The parties themselves may further
22 stipulate to add or delete documents or information subject to this protective order.

23 5. Said documents were acquired in confidence and are the proper subject
24 of a privilege in connection with this litigation, and the defendants' concerns of
25 privilege and other objections raised in their response and outlined in their privileges
26 are adequately protected by the protective agreement and order.

27 6. The defendants may produce to plaintiff's counsel the documents
28 referenced in this protective order subject to the following protections:

1 (a) All such documents, writings, and information will be considered
2 confidential information. This confidential information shall be used solely in
3 connection with this case and the preparation and trial of this case, or any related
4 appellate proceedings, and not for any other purpose.

5 (b) Said documents and information in connection with this litigation
6 shall not be disclosed by plaintiff or his attorneys to anyone other than:

7 (1) The plaintiff's attorney and staff;

8 (2) Any expert or consultant hired or retained by plaintiff and
9 his attorney;

10 (3) Any judge or magistrate judge presiding over any aspect of
11 this action;

12 (4) Any mediator or other settlement officer agreed to or
13 appointed to assess and evaluate the dispute;

14 (5) Subject to the below exceptions, any witnesses disclosed by
15 any party pursuant to Rule 26(a)(1), (2), and (3) of the Federal Rules of Civil
16 Procedure and local rules, or any deponent in the course of testifying or preparing for
17 testimony.

18 7. The materials contained in the personnel files of Walter Harper and Scott
19 Varner shall not be provided to or reviewed by the plaintiff, the plaintiff's family, or
20 friends of the plaintiff.

21 8. Said documents and information shall not be provided to the news
22 media, television, or radio, placed on the Internet, or published in any other fashion.

23 9. All persons to whom said documents are disclosed in connection with
24 this litigation will be apprised of this stipulation and of its binding nature on all
25 persons connected with this case.

26 10. To the extent that any confidential information is disclosed to a witness
27 in connection with this litigation, pursuant to this order the documents shall be

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1 appropriately marked "Confidential document produced in *Guevara v. City of Santa
2 Paula, et al.*, subject to protective order."

3 11. Confidential information or documents shared with or otherwise
4 disclosed to witnesses in connection with this litigation shall be returned to the
5 disclosing party at the conclusion of this action. All copies of records, recordings,
6 photographs, or any other materials produced pursuant to the protective order shall be
7 returned to counsel for defendants forthwith at the conclusion of this action, not to
8 exceed 30 days.

9 12. There is no concession by defendants as to the admissibility of such
10 items herein disclosed, and defendants have the right to seek exclusion of any such
11 items or the information contained therein or their existence either in limine or during
12 trial.

13 13. Disclosure of said documents shall be made within ten days of receipt by
14 defendants of a signed, conformed order of the Court.

15 **14. Nothing herein shall be construed as relieving anyone from fully
16 complying with any obligations imposed by a duly issued subpoena or other
17 process issued by a court or administrative agency. (FFM)**

18 **IT IS SO ORDERED.**

19
20 Dated: 1/12/12

/S/ FREDERICK F. MUMM

FREDERICK F. MUMM

United States Magistrate Judge

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